

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

CWP 1242/2018

Date of decision:28.8.2019

Gaurav Kirpal and another

.....Petitioners

v.

Union of India and others

.....Respondents

**Coram: Hon'ble Mr.Justice Jaswant Singh
Hon'ble Mr.Justice Lalit Batra**

Present:- Mr.Saurabh Kapoor,Advocate and
Mr.Rishabh Kapoor,Advocate for the petitioners.

None for respondents 1 and 2-UOI

Mr.RK Handa,Advocate for respondents 3 and 4.

Jaswant Singh,J.

Petitioner no.1 is Director of M/s Sai Bhakti Impex Pvt.Ltd., while petitioner no.2 is a proprietary concern namely M/s Best Exports (for short petitioner company) which is engaged in manufacture and export of readymade garments. The DRI Ahmedabad Zone had proceeded to investigate certain export transaction of the petitioner company for mis-declaration of the countries of destination so as to claim the incentives under a scheme which otherwise was not permitted. The said office issued a notice for joining the investigation under Section 108 of the Customs Act,1962. Since the petitioner company and its Director including petitioner no.1 did not co-operate by appearing and producing the

required documents, the officers of DRI filed complaint dated 8.6.2017 (P-11) under Section 174 and 175 IPC, for non-appearance in proceedings under Section 108 of Customs Act, 1962, before Investigating authority/DRI, before the Court of competent jurisdiction at Ahmedabad. Resultantly the summoning order dated 8.6.2017 (P-12) was issued by the learned Additional Chief Metropolitan Magistrate, Ahmedabad.

Petitioners in the instant writ petition have sought the quashing of the complaint dated 8.6.2017 (P-11) and the summoning order dated 8.6.2017 (P-12) primarily on the ground of jurisdiction and also Notification dated 7.3.2002 (P-1) whereby jurisdiction of officers working in the DRI at various levels has been extended to whole of India.

At the time of hearing, counsel for the petitioners states that during the pendency of the present writ petition, the investigations have been transferred to the DRI Zonal Office, Ludhiana where the unit of the private company/petitioner no.2 is situated and engaged in its business. It is submitted that in view of the conceded cooperation by the officers of the petitioner company in the pending investigations, the impugned complaint and summoning orders are required to be set aside as concededly the documents were furnished before the officials at Ahmedabad, however, it was the non-presence of the director which had actuated the initiation of the complaint.

On the previous date of hearing, counsel for the DRI had sought time to seek instructions with regard to withdrawing of the

said complaint at Ahmedabad, the proceedings of which are not warranted in view of the subsequent developments.

Counsel for the DRI states that investigations have been transferred to Ludhiana and he further undertakes to get the aforesaid complaint at Ahmedabad withdrawn by moving appropriate application within next one month, thus, it is conceded that no further adjudication is required in the present writ petition.

Disposed of.

The respondents shall be bound by their stand made through their counsel before this Court.

(Jaswant Singh)
Judge

28.08.2019.
joshi

(Lalit Batra)
Judge

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No